



2663

Ramanan 1-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): K. Ramanan et al.
Case: 1-1
Serial No.: 09/393,949
Filing Date: September 10, 1999
Group: 2663
Examiner: Soon D. Hyun

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: V. Benicewicz Date: December 11, 2003

Title: Method and Apparatus for Scheduling Traffic to Meet Quality of Service Requirements in a Communication Network

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TRANSMITTAL LETTER

Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is the following document relating to the above-identified patent application:

(1) Response to Office Action.

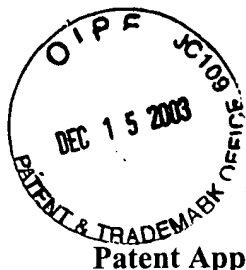
There is no additional fee due in conjunction with the response. In the event of any non-payment or improper payment of a required fee, the Commissioner is hereby authorized to charge or to credit **Ryan, Mason & Lewis, LLP Account No. 50-0762** as required to correct the error.

Respectfully submitted,

Joseph B. Ryan

Date: December 11, 2003

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RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Technology Center 2600

Sir:

The remarks below are submitted in response to the second non-final Office Action dated September 11, 2003 in the above-identified application.

REMARKS

The present application was filed on September 10, 1999 with claims 1-28. In the Office Action dated September 11, 2003, the Examiner rejected claims 1-3, 14-16, 27 and 28 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,009,077 (hereinafter "Firoiu"), and indicated that claims 4-13 and 17-26 contain allowable subject matter.

In this response, Applicants traverse the §102(e) rejection. Applicants respectfully request reconsideration of the present application in view of the following remarks.

With regard to the §102(e) rejection, Applicants initially note that MPEP §2131 specifies that a given claim is anticipated "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the "identical invention . . . in as complete detail